

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

Crl.MC.No. 1842 of 2007()

CRIME NO. 449/01 OF ALAPPUZHA SOUTH POLICE STATION
CC.769/2002 of JUDL.MAGISTRATE OF FIRST CLASS COURT -I, ALAPPUZHA
.....

PETITIONER: 2ND ACCUSED

RAJENDRAN @ SURENDRAN S/O.CHELLAPPAN,
CHANIVELIYIL VEEDU, WARD NO.7,
THYKKATTUSSERY PANCHAYATH, CHERTHALA.

BY ADV. SMT.T.D.RAJALAKSHMI
SRI.RANJIT SREENIVAS

RESPONDENTS: COMPLAINANT

STATE OF KERALA REPRESENTED BY THE
SUB INSPECTOR OF POLICE, ALAPPUZHA,
SOUTH POLICE STATION, THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 08/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

Crl.M.C.No. 1842 of 2007

Dated this the 8th day of June, 2007

ORDER

The petitioner was the second accused and faced indictment for offences, inter alia, under Sections 468 and 420 I.P.C. His plea of guilty was accepted. He was convicted. No sentence was imposed on him, but the benevolent provisions of Probation of Offenders Act were invoked in his favour. He was, inter alia, directed to pay an amount of Rs.35,000/- as compensation on or before the expiry of the period of probation i.e. a period of two years. It was further observed that if the amounts were not paid within two years, the petitioner is liable to be sentenced.

2. The time for payment has already expired on 7.3.2007. The learned Magistrate is taking steps to implement the direction in the judgment of conviction. The petitioner at this stage had come to this court with this petition under Section 482 Cr.P.C. The short submission is that there was an unfortunate omission on the part of the petitioner to make the payment. He has not been able to raise the

amount. A short further time may be granted to raise the amount and to avoid the consequences which are ordered to follow.

3. Notice given to the learned Prosecutor. The learned Prosecutor does not seriously oppose the said prayer. A short further time alone may be granted, submits the Prosecutor.

4. The lapse on the part of the petitioner is gross. Eventhough he was granted a period of two years, he has not chosen to pay the amount of compensation or any part of it. However, I take a lenient view and observe that if the petitioner pays the said amount on or before 18.6.2007, the same shall be considered as sufficient compliance with the order of the learned Magistrate. The petitioner shall not be entitled for any further time.

5. This Crl.M.C. is allowed to the above extent.

6. Hand over the order.

(R. BASANT)
Judge